



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,124	06/01/2001	Rudolf Ritter	P-281272/150	9808

22850 7590 07/09/2004

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

PEREZ, JULIO R

ART UNIT PAPER NUMBER

2681

DATE MAILED: 07/09/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/857,124

Applicant(s)

RITTER, RUDOLF

Examiner

Julio R Perez

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/5/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 15-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims ~~15-16~~^{15-18, 21-25, 28-39} are rejected under 35 U.S.C. 102(b) as being anticipated by Park (5627549).

Regarding claim 15, Park discloses a mobile device, comprising; a receiver configured to receive programs and program-accompanying digital data, wherein the programs include at least one of audio data and video data, and the program-accompanying digital data includes location parameters (col. 3, lines 20-29 and 49-57; col. 4, lines 1-11; col. 3, lines 49-67; col. 4, lines 20-34, the travel information device receives voice broadcast and data broadcast; further, the information device receives voice together with geographical data related to points of interests to the user); a position locating module configured to determine a current geographic position of the mobile device (col. 4, lines 12-19; Fig. 2, ref. 80, the information device comprises a GPS, position system); and a filter module connected to the receiver and to

the position locating module, and configured to receive the program-accompanying digital data and to filter location-specific information from the program-accompanying digital data based at least on the location parameters and the current geographic position (col. 6, lines 66-67; col. 7, lines 1-11; Fig. 5, ref. 180, the information device is provided with filtering means to provide location specific information).

Regarding Claim 16, Park discloses the mobile device, wherein the position-locating module includes a satellite-based positioning system or a terrestrial positioning system (col. 4, lines 12- 19; Fig. 2, ref. 50 and 80).

Regarding Claim 17, Park discloses the mobile device, further comprising a memory module configured to store a user profile wherein the filter module is configured to receive the user profile and to filter the location-specific information from the program-accompanying digital data based on the user profile (col. 6, lines 41-67; col. 7, lines 1-11, information device provides capability to create user-customized database in relation points of interests).

Regarding Claim 18, Park discloses the mobile device, further comprising: a display configured to receive and display the location-specific information; and operating elements configured to allow selecting and editing of the location-specific information (col. 4, lines 35-48; Fig. 3, the information device presents information related to the data broadcasted and the location of the user on respective display).

Regarding Claim 21, Park discloses the mobile device, further comprising a processing module configured to execute program data files contained in the location-specific information (col. 6, lines 41- 65; Fig. 2, ref. 60; Fig. 3, the information

device contains a microprocessor, which, indeed, produces means for manipulating the program elements within the device).

Regarding Claim 22, Park discloses a method for receiving and processing program-accompanying digital data including location parameters, said method comprising: receiving said program-accompanying digital data by a mobile device determining a current geographic position of said mobile device by the mobile device (col. 3, lines 20-29 and 49-57; col. 4, lines 1-11; col. 3, lines 49-67; col. 4, lines 20-34; col. 4, lines 12-19; Fig. 2, ref. 80, the travel information device receives voice broadcast and data broadcast; also, the information device receives voice together with geographical data related to points of interests to the user; further, the information device comprises a GPS, position system); and filtering by the mobile device location-specific information from the program-accompanying digital data based at least on the location parameters and the current geographic position (col. 6, lines 66-67; col. 7, lines 1-11; Fig. 5, ref. 180, the information device is provided with filtering means to provide location specific information).

Regarding Claim 23, Park discloses the method, wherein said determining includes using a satellite-based positioning system or a terrestrial positioning system (col. 4, lines 12- 19; Fig. 2, ref. 50 and 80, the information device includes global position system).

Regarding Claim 24, Park discloses the method, wherein said filtering includes filtering location-specific information from the program-accompanying data based on a user profile stored in said mobile device (col. 6, lines 41-67; col. 7, lines 1-11,

information device provides capability to create user-customized database in relation points of interests).

Regarding Claim 25, Park discloses the method, further comprising: displaying the location-specific information on the mobile device and selecting location-specific information by using said mobile device (col. 4, lines 35-48; Fig. 3, the information device presents information related to the data broadcasted and the location of the user on respective display).

Regarding Claim 28, Park discloses the method according to claim 22, further comprising: executing by the mobile device program data files, included in the location-specific information (col. 6, lines 41- 65; Fig. 2, ref. 60; Fig. 3, the information device contains a microprocessor, which, indeed, produces means for manipulating the program elements within the device).

Regarding Claim 29, Park discloses the mobile device, wherein the filter module is configured to: determine if a difference between the location parameters and the current geographic position is within a predefined range (col. 4, lines 37-48, calculation of distances between the vehicle position and the location of points of interests may be executed), and filter the location-specific information from the program-accompanying digital data when the difference between the location parameters and they current geographic position is within the predefined range (col. 4, lines 20-57; col. 5, lines 27-47, information may be extracted and display for the user).

Regarding Claim 30, Park discloses the mobile device, wherein the position-locating module is configured to obtain position indications from a mobile network (col. 5, lines 12-16, the position of the vehicle is provided).

Regarding Claim 31, Park discloses the method, further comprising: determining if a difference between the location parameters and the current geographic position is within a predefined range (col. 4, lines 37-48, calculation of distances between the vehicle position and the location of points of interests may be executed), and filtering the location-specific information from the program-accompanying digital data when the difference between the location parameters and the current geographic position is within the predefined range (col. 4, lines 20-57; col. 5, lines 27-47, information may be extracted and display for the user).

Regarding Claim 32, Park discloses the method, wherein said determining includes obtaining current position indications from a mobile network (col. 5, lines 12-16, the position of the vehicle is provided).

Regarding Claim 33, Park discloses a mobile device, comprising: a receiver configured to receive programs and program-accompanying digital data, wherein the programs include at least one of audio data and video data, and the program--accompanying digital data contains location parameters (col. 3, lines 20-29 and 49-57; col. 4, lines 1-11; col. 3, lines 49-67; col. 4, lines 20-34, the travel information device receives voice broadcast and data broadcast; the information device also receives voice together with geographical data related to points of interests to the user); a position locating module configured to determine a current geographic position of the mobile

device (col. 4, lines 12-19; Fig. 2, ref. 80, the information device comprises a GPS, position system); and a filter module configured to: receive the program-accompanying digital data and the current geographic position, and selectively transmit at least a portion of the program-accompanying digital data based at least on the location parameters and the current geographic position (col. 6, lines 66-67; col. 7, lines 1-11; Fig. 5, ref. 180, the information device is provided with filtering means to provide location specific information).

Regarding Claim 34, Park discloses the mobile device, further comprising: a memory module configured to store a user profile, wherein the filter module is configured to receive the user profile and to selectively transmit the at least one portion of the program-accompanying digital data based on the user profile (col. 6, lines 41-67; col. 7, lines 1-11, information device provides capability to create user-customized database in relation points of interests).

Regarding Claim 35, Park discloses the mobile device, wherein the filter module is configured to: determine if a difference between the location parameters and the current geographic position is within a predefined range (col. 4, lines 37-48, calculation of distances between the vehicle position and the location of points of interests may be executed), and transmit the at least one portion of the program-accompanying digital data when the difference between the location parameters and the current geographic position is within the predefined range (col. 4, lines 20-57; col. 5, lines 27-47, information may be extracted and display for the user).

Regarding Claim 36, Park discloses a mobile device, comprising: a receiver configured to receive program-accompanying digital data, the program-accompanying digital data including location parameters col. 3, lines 20-29 and 49-57; col. 4, lines 1-11; col. 3, lines 49-67; col. 4, lines 20-34, the travel information device receives voice broadcast and data broadcast; further, the information device receives voice together with geographical data related to points of interests to the user); a position locating module configured to determine a current geographic position of the mobile device (col. 4, lines 12-19; Fig. 2, ref. 80, the information device comprises a GPS, position system); and filtering means for receiving the program-accompanying digital data and for filtering location-specific information from the program-accompanying digital data based at least on the location parameters and the current geographic position (col. 6, lines 66-67; col. 7, lines 1-11; Fig. 5, ref. 180, the information device is provided with filtering means to provide location specific information with respect to the mobile).

Regarding Claim 37, Park discloses the mobile device, wherein the filtering means includes: determining means for determining if a difference between the location parameters and the current geographic position is within a predefined range (col. 4, lines 37-48, calculation of distances between the vehicle position and the location of points of interests may be executed), and transmitting means for transmitting the location-specific information when the difference between the location parameters and the current geographic position is within the predefined range (col. 4, lines 20-57; col. 5, lines 27-47, information may be extracted and display for the user).

Regarding Claim 38, Park discloses the mobile, wherein the programs include radio programs or television programs (col. 2, lines 9-16; col. 3, lines 20-28, the system uses radio broadcast).

Regarding Claim 39, Park discloses the mobile device of Claim 33, wherein the programs include radio programs or television programs (col. 2, lines 9-16; col. 3, lines 20-28, the system uses radio broadcast).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 19-20, 26- 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park.

Regarding Claims 19 and 26, Park does not explicitly disclose the mobile device, further comprising a communications module, configured to transmit the location-specific information to a service center.

However, the preceding limitation is well known in the art of telecommunications.

Park strongly suggests the integration of a data message system (col. 3, lines 29-68).

Therefore, it would have obvious to one of ordinary skill in the art at the time the invention was made to implement the system as taught by park with a service medium

Art Unit: 2681

because it would provide the user with means to communicate directly and efficiently with a particular vendor.

Regarding Claims 20 and 27, Park does not explicitly disclose the mobile device, further comprising a communications module configured to activate a resource in the Internet, based on a URL address obtained in the location-specific information.

However, the preceding limitation is well known in the art of telecommunications.

Park' system encompasses a broad communication system, which can easily be integrated with Internet services (coil. 3, lines 1-19; Fig. 1 and 2).

Therefore, it would have obvious to one of ordinary skill in the art at the time the invention was made to implement the system as taught by park with world web wide capabilities because it would provide the system with access to a variety of distant providers.

Conclusion


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the art with respect to devices and methods for receiving and processing radio program data.

US Pat. No. 6091956 to Hollenberg	Information system
US Pat. No. 5636245 to Ernst et al.	Distribution of broadcast information
US Pat. No. 6018649 to Ruhl	RDS Radio receiver
US pat. No. 6677894 to Sheynblat et al.	Providing location based information
US Pat. No. 5949492 to Mankovitz	Accessing television program information
US Pat. NO. 5654719 to Kunii	Radio receiver to determine geographic position
US Pat. NO. 6438561 to Israni et al.	Method and system for using real-time traffic broadcasts
US pat. NO. 6539212 to Kamalski	Radio broadcasting service
US pat. NO. 5432542 to Thibadeau et al.	Television receiver location identification

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R Perez whose telephone number is (703) 305-8637. The examiner can normally be reached on Monday - Friday, 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika Gary can be reached on (703) 308-0123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JP
6/25/04


ERIKA GARY
PATENT EXAMINER